



Paper No. 6

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OFFICE OF PETITIONS

In re Application of :
Balay, et al. :
Application No. 10/045,643 :
Filed: November 7, 2001 :
Attorney Docket No. Balay 1-20-3-1-1 :

ON PETITION

This is a decision on the papers styled, "Petition Under 37 CFR 1.181," which is being treated as a petition under 37 CFR 1.53, filed on June 11, 2002 (Certificate of Mailing Date: June 3, 2002), requesting that the above-identified application be accorded a filing date of November 7, 2001, including Figure 2 as described in the specification.

The application was filed on November 7, 2001. However, on April 2, 2002, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Missing Parts Of Nonprovisional Application" that stated the application had been accorded a filing date, but Figure 2 as described in the specification appears to have been omitted.

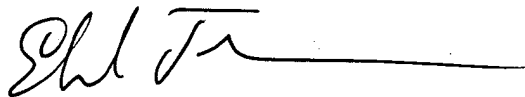
In response, on June 11, 2002, the instant petition and a copy of Figure 2 as described in the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of two (2) sheets of drawings on November 7, 2001. The two (2) sheets of drawings contain Figures 1 and 2. A review of the application file indicates the presence of only one (1) sheet of drawings with the second sheet containing Figure 2 missing. It is assumed that missing second sheet of drawings containing Figure 2 was misplaced by the Office.

In view of the above, the petition is granted.

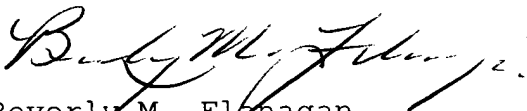
The \$130.00 petition fee submitted on June 11, 2002 will be refunded to deposit account no. 50-0782.

This application will be returned to OIPE for further processing with a filing date of November 7, 2001, using the copy of Figure 2 as described in the specification, supplied on June 11, 2002.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.



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